

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EVAN RATCLIFF,

Plaintiff,

vs.

SCOTT MATTINSON *et al.*,

Defendants.

Case No.: 2:19-cv-01275-GMN-NJK

ORDER

On April 7, 2020, the Court entered an Order, (ECF No. 20), instructing Defendants Michael Minev, Scott Mattinson, and Associate Warden J. Nash (“Defendants”) to file a response to Plaintiff Evan Ratcliff’s (“Plaintiff’s”) Motion for a Preliminary Injunction. The Court also noted its inclination to find merit in the Motion for Preliminary Injunction because no defendant filed a response. Roughly one week after the Court’s Order, Defendants filed the pending Motion for Reconsideration, (ECF No. 21), on the ground that a stay of this matter is still in effect pursuant to the Court’s Order, (ECF No. 12), which was the reason for Defendants’ non-response.

The Court agrees with Defendants that they had no duty to file a response to Plaintiff’s Motion for a Preliminary Injunction according to prior Orders in this case. (*See* Order, ECF No. 12) (stating that no party is required to respond to any paper filed in violation of the stay unless specifically ordered by the Court to do so); (Order, ECF No. 17) (extending the stay of this action until May 29, 2020).¹ The Court also agrees with Defendants that Plaintiff’s Motion for

¹ The Order extending a stay of this case until May 29, 2020, (ECF No. 17), did not restate language declaring that no party is required to respond to any paper filed in violation of the stay. The absence of that language led to the oversight of finding that Defendants failed to timely file a response. Defendants correctly note that, in compliance with directives from a recent quarterly magistrate judges’ meeting, they generally need not file a response to filings during a stay in cases such as this unless directed by the Court.

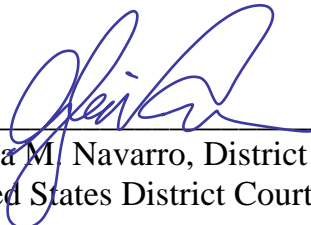
1 a Preliminary Injunction, (ECF No. 21), violates the explicit instruction that during the stay “no
2 other pleadings or papers may be filed in this case.” (Order 8:18–9:4, ECF No. 12). Plaintiff’s
3 Motion for a Preliminary Injunction does not cite a reason as to why a violation of the stay is
4 appropriate or necessary before early mediation of this case is complete. Accordingly,

5 **IT IS HEREBY ORDERED** that Defendants’ Motion for Reconsideration, (ECF No.
6 21), is **GRANTED**.

7 **IT IS FURTHER ORDERED** that Plaintiff’s Motion for Preliminary Injunction, (ECF
8 No. 19), is **DENIED without prejudice**. Plaintiff may move for a preliminary injunction again
9 either after the scheduled Inmate Early Mediation on May 29, 2020, or upon a showing that
10 emergency relief is necessary before the mediation can occur.

11 **DATED** this 16 day of April, 2020.

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Gloria M. Navarro, District Judge
United States District Court